Instructions for "Site Certificate by Title Counsel"

This certificate is to be completed after all real property, including easements and rights-of-way, has been acquired and the Title Counsel has determined that the applicant will have legal right to undisturbed use of the total project site for the entire life of the project.

This certificate must be submitted with the loan or grant application or at the same time that the plans and specifications are submitted.

If real property is being acquired by condemnation, this certificate will be submitted when condemnation is complete. (See Limited Certificate).

Site Certificate by Title Counsel

Applicant: _____

Project No. (if assigned): _____

Project Description: _____

_____

_____

I _____ , Attorney at Law, representing the Applicant as Title Counsel, do hereby certify:

1. That I have investigated and ascertained the location of, and am familiar with the legal description of the site or sites being provided by the Applicant for all elements of the project identified above to be constructed (modified, extended, improved, altered) operated and maintained in and upon such site or sites.

2. That I have examined the deed records of the county or counties in which such a project is to be located and in my opinion, the Applicant has a legal and valid fee simple title or such other estate or interest in the site of the project, including necessary easements and rights-of-way sufficient to assure undisturbed use and possession for the purposes of construction, operation and maintenance for the estimated life of the project.

3. That any deeds or documents required to be recorded in order to protect the title of the owner and the interest of the Applicant have been duly recorded and filed for the record wherever necessary.

Dated this _____ day of _____, 20___

_____
Attorney at Law

_____
Address

_____
Signature of Attorney

Instructions for "Clear Site Certification"

The certificate must certify to the following:

1. That all real property (including easements) acquired for the entire project funded by the loan or grant regardless of whether or not the loan or grant includes the costs of purchasing the real property (including easements) was acquired in accordance with the Uniform Relocation Act of 1970 as amended and the implementing regulation, 40 CFR Part 24. **(For Federal Projects Only).**

2. That a qualified Title Counsel has examined the title and other appropriate records and that the recipient has legal and valid estate or interest in the property and shall have assured undisturbed use of all property (including easements) for the estimated life of the project.

3. That a fee simple or such other estate or interest in the project site(s) shall be retained for the estimated life of the project to assure undisturbed use of the site(s).

The amount and type of each search required, in the case of easements or leases, for a site certificate is whatever is needed to satisfy the Title Attorney that the recipient has a right under State and local laws to access and undisturbed use of the site for the life of the project. The recipient's interest in real property (including easements) must be valid and defendable in a Court of Law. In respect to real property acquired in fee simple, the recipient must be assured a marketable title with no encumbrances. A responsible and qualified Title Counsel will know the extent of search and the interest in the site required in order to provide these assurances and certifications.

A site certificate must be submitted with the loan or grant application, except when the cost of the real property is to be funded as part of the loan or grant. A limited (qualified) site certificate will be accepted, if the recipient has started condemnation proceedings and has deposited the appraised value of the property to be taken, with the court. The qualified certificate must identify all sites under condemnation and include a statement as to when property will be available for construction and when condemnation will be complete. A clear certificate shall be submitted when the acquisition is complete.

Clear Site Certification

Applicant: _____

Project No. (if assigned): _____

Project Description: _____

_____

I certify that the applicant has acquired all real property including easements and rights-of-way that are or will be required for the construction, (erection, extension, modification, addition) operation and maintenance of the entire project as described above.

I certify that, if other municipalities are served by the project, those municipalities have acquired all real property including easements and rights-of-way required for service to those municipalities.

I certify that the attached "**Site Certificate by Title Counsel**" covers all real property including easements and rights-of way required for construction, operation and maintenance of the entire project.

Dated this _____ day of _____, 20_____

_____
Applicant's Authorized Representative

_____
Title (Mayor, City Manager, Commissioner, etc.)

_____
Signature of Authorized Representative

- - -FOR FEDERALLY FUNDED PROJECTS- - -

I further certify that all real property including easements required for the entire project was acquired in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, and implementing regulation 49 CFR 24.

Dated this _____ day of _____, 20 _____

_____
Applicant's Authorized Representative

_____
Title (Mayor, City Manager, Commissioner, etc.)

_____
Signature of Authorized Representative